

June 17, 2008 - Special Town Council Meeting

At a Special Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown School Administration Building, Lower Level, Oliphant Lane, Middletown on Tuesday, June 17, 2008 at 6:00 P.M.

Council President Paul M. Rodrigues, Presiding

Vice Chair Shirley R. Mello

Councillor Barbara A. Barrow, Arrives at 6:10 PM

Councillor Louis P. DiPalma

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr., Members Present

Councillor Robert J. Sylvia, Absent

POSTED – June 12, 2008

Wendy J.W. Marshall, Town Clerk

Town of Middletown

Town Hall – 350 East Main Road

Middletown, Rhode Island 02842

Dear Mrs. Marshall:

Pursuant to the provisions of Article II, Section 203 of the Town Charter and in accordance with Sections 42-46-2. and 42-46-6., RIGL, I

hereby call a Special Meeting of the Town Council to formally consider, discuss and act upon the following item of business:

Proposed amendments to the Middletown Charter and matters related thereto

Said meeting will be held on Tuesday, June 17, 2008, at 6:00 P.M. at the School Administration Building, Lower Level, Oliphant Lane, Middletown, Rhode Island 02842.

Paul M. Rodrigues, President

Middletown Town Council

CC:

Town Council

Town Administrator

Finance Director

Town Solicitor

Public Library

Senior Director

Human Resource Director

Police Chief

Fire Chief

Public Works Director

School Dept.

Town Planner

Parks/Recreation

Building Inspector

Town Engineer

IT Director

Tax Assessor

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before the meeting.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.

Present representing the Charter Review Committee were Barbara VonVillas, Chairwoman and members Lucie-Anne Dionne- Thomas, Francis Forgue, and Elizabeth Boyzan.

Town Solicitor Francis Holbrook provided a listing by category of the proposed charter changes. The Council took the following action

relative to submission of said changes to the electorate at the November 2008 General Election.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to vote on all items listed as technical changes together.

No.	Section	Description of Change	Type of Change
-----	---------	-----------------------	----------------

2	202	Makes section gender-neutral (2 changes)	technical
---	-----	--	-----------

3	204	Makes section gender-neutral (1 change)	technical
---	-----	---	-----------

4			
---	--	--	--

205

**Makes section gender-neutral (1 change)
technical**

8

301

**Makes section gender-neutral (1 change)
technical**

9

302

**Makes section gender-neutral (8 changes)
technical**

10

303

**Makes section gender-neutral (4 changes)
technical**

11

304(a)

**Makes section gender-neutral (4 changes)
technical**

12b

304(c)

Makes section gender-neutral (4 changes)
technical

13

304(d)

Makes section gender-neutral (1 change)
technical

14

304(e)

Makes section gender-neutral (1 change)
technical

15

304(g)

Makes section gender-neutral (3 changes)
technical

16

304(h)

Makes section gender-neutral (1 change)
technical

17a

305

Makes section gender-neutral (2 changes)

technical

18

306

Makes section gender-neutral (2 changes)

technical

19

307

Makes section gender-neutral (4 changes)

technical

20

308

Makes section gender-neutral (2 changes)

technical

23a

601

Makes section gender-neutral (4 changes)

technical

24

602

Amended and redesignated as § 704.

technical

25

603

Amended and redesignated as § 1001.

technical

27

605

Redesignated as § 711.

technical

28

606

Amended and redesignated as § 709.

technical

29

607

Makes section gender-neutral (5 changes)

technical

31

609

Makes section gender-neutral (3 changes)

technical

32a

701

**Makes section gender-neutral (1 change)
technical**

33a

701

**Makes section gender-neutral (1 change)
technical**

34

703

**Makes section gender-neutral (1 change)
technical**

35a

704

**Former section 602. Makes section gender-neutral (4 changes)
technical**

36a

706

**Makes section gender-neutral (2 changes)
technical**

37a

709

**Makes section gender-neutral (1 change)
technical**

37b

709

**Changes “building inspector” to “building official” to comport with
state law.
technical**

39

711

**Former section 605. Makes section gender-neutral (7 changes)
technical**

41

802

**Makes section gender-neutral (2 changes)
technical**

42

804

**Changes “elections” to “election” to be consistent with similar
Charter provisions.
technical**

43

809

**Makes section gender-neutral (1 change)
technical**

44

811

**Makes section gender-neutral (1 change)
technical**

45

813

**Makes section gender-neutral (1 change)
technical**

47

901

**Makes section gender-neutral (1 change)
technical**

48

903(a)(2)

**Makes section gender-neutral (1 change)
technical**

49

905

**Makes section gender-neutral (2 changes)
technical**

51

910

**Restores language inadvertently deleted after this section was
amended in 2002.
technical**

52

911

**Makes section gender-neutral (2 changes), and corrects two
typographical errors.
technical**

54

1001

**Former section 603. Makes section gender-neutral (3 changes)
technical**

55

1003

**Makes section gender-neutral (4 changes)
technical**

57

1007

**Makes section gender-neutral (1 change)
technical**

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include these proposals on the November 2008 ballot.

Councillor Barrows joined the meeting.

No. 1 – Section 201 - (1) changes council terms from two to four years; (2) imposes limit of two four-year terms, with two year interval before serving again; and (3) makes council elections nonpartisan.

On motion of Councillor Silviera, duly seconded, to include this proposal on the November 2008 ballot; Councillor DiPalma amended said motion to include only #1 changes council terms from two to

four years and #2 imposes limit of two four-year terms, duly seconded, Councillor DiPalma voted YES; Council President Rodrigues, Vice Chair Mello, Councillors Barrow, Santos and Silveira voted NO; MOTION FAILED TO PASS.

Council then voted on original motion of Councillor Silveira, duly seconded, it was voted to include this proposal on the November 2008 ballot; Councillors DiPalma and Silveira voted YES; Council President Rodrigues, Vice Chair Mello, Councillors Barrow, and Santos and Silveira voted NO; MOTION FAILED TO PASS.

***Amended 7-14-08 to reflect proper vote.**

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to revise this section (technical change) from “his” to “a” and include this proposal on the November 2008 ballot.

No. 5 – Section 207(g) – Changes minimum amount for issuing bonds without referendum from \$100,000 to 1% of the property tax levy.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

No. 6 – Section 207(p)- New section requiring compliance with competitive bidding process for purchases of goods and services for \$5,000. or more.

Town Administrator Shawn Brown addressed the Council recommending the Council to amend this section to “To award contracts for materials and services in accordance with the laws and Constitution of the state, and as established by Town ordinance”.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to amend Section 207(p) to “To award contracts for materials and services in accordance with the laws and Constitution of the state, and as established by Town ordinance” and to include this proposal on the November 2008 ballot.

No. 7 – Section 211 – Expands existing provision prohibiting conflicts of interest by town officials.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

No. 12a – Section 304(c) – Makes appointment authority of town administrator more generic by deleting names of specific officials appointed by administrator, and retaining general authority to appoint all department heads.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

No. 17b – Section 305 – Amplifies non-interference provision to make clear that council members may not direct actions of the town administrator and the administrator's subordinates, either publicly or privately.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

No. 21 – Section 404 – New provision for recall or removal of any elected official.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to accept all recommendations of the solicitor adding the language after certified mail “If the Board of Canvassers determines that a petition does not contain the names of at least 20% of persons registered to voted at the last election, the petitioners may within 30 days submit a supplemental petition containing additional names of persons registered to voted at the last election, whereupon the Board of Canvassers shall then redetermine whether to certify the petition.” and include this proposal on the November 2008 ballot.

No. 23b – Section 601 – (1) Removes authority of town council to

assign duties to clerk; (2) removes requirement that deputy clerk be appointed; and (3) deletes language making Charter superior to state constitution and laws.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to accept #1 Removes authority of town council to assign duties to clerk, #3 deletes language making Charter superior to state constitution and laws and to include this proposal on the November 2008 ballot.

No. 26 – Section 604 – Deletes section, which provides for town sergeant.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

No. 30 – Section 608 – New section providing for appointment of a Rhode Island attorney as judge of the municipal court.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

No. 32(a) – Section 701 – Deletes requirement that deputy police chief be appointed and that all appointed officers and patrolmen serve full time.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

No. 33(a) – Section 702 – Deletes requirement that deputy fire chief be appointed and that all appointed officers and firefighters serve full time; and that fire chief has authority to appoint firefighters.

On motion of Vice Chair Mello, duly seconded, it was voted

unanimously to include this proposal on the November 2008 ballot.

No. 35(b) – Section 704 – Deletes language making Charter superior to state constitution and laws.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

No. 36(b) – Section 706 – Adds “purchasing agent” to description of finance director’s duties, and deletes authority of council to assign duties to finance director. A separate new provision authorizes designation of person to act as director of human resources.

No. 38 – Section 710 – New section providing for director of planning.

On motion of Vice Chair Mello, duly seconded, it was voted

unanimously to include this proposal on the November 2008 ballot.

No. 40 – Section 712 – New section providing for director of information services.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

No. 46 – Section 814 – Changes purchasing policy for school department so that it conforms to town purchasing policy.

On motion of Vice Chair Mello, duly seconded, Councillor DiPalma amended said motion to include changing the word “practices” to “ordinances”, duly seconded, it was voted unanimously to include the change and place this proposal on the November 2008 ballot.

No. 50 – Section 907 – Changes “permanent” to “regular” employment for town employees, and deletes language governing discharges.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

No. 54 – Section 914 – Deletes language prohibiting town employees from holding the office of school committee person.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

No. 56 – Section 1006 – New section providing for juvenile hearing board.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

No. 60 – Section 1010 – New section establishing a Roads and Utilities Advisory Board.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to oppose this proposal.

No. 61 – Section - 1104 – Deletes section contrary to state law.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

No. 62 – Section 1201 – Deletes phrase about adopting a new charter, which is not possible for town that has adopted a charter. Also

makes change in Editor's Note" (not submitted to voters)

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to include this proposal on the November 2008 ballot.

Section 207(c) – Power to determine policy; other enumerated powers.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to add the words "boards, commissions and committees" to Section 207 (c) and include this proposal on the November 2008 ballot.

Council President Rodrigues thanked the Charter Review Committee for all their hard work.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to adjourn this meeting at 7:15 P.M.

Wendy J.W. Marshall, CMC

Council Clerk